

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

**In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation**

**Master File No. 1:00-1898
MDL No. 1358 (SAS)
(M21-88)**

-----X

**NOTICE AND ORDER OF RULE
41(a)(2) DISMISSAL OF
DEFENDANT PETRON, INC.**

**This Document Relates To:
Town of Rayville v. Ashland, Inc., et al.
O4 Civ. 3413**

-----X

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Town of Rayville hereby moves to dismiss without prejudice Petron, Inc. from the above referenced cause of action, with each party to bear its own costs. Plaintiffs reserve all other rights as against all other defendants.

Pursuant to the Court's directive at the October 30, 2008 Status Conference, any party opposing Plaintiff's dismissal of Petron, Inc. shall have 14 days to file its objection. Plaintiff respectfully moves this Court for an Order dismissing Petron, Inc. without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), with each party to bear its own costs.

DATED: April 22nd, 2009



Scott Summy (Texas Bar No. 19507500)
Stephen Johnston (Texas Bar No. 00796839)
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219-4281
Telephone: (214) 521-3605
Facsimile: (214) 520-1181

Robert J. Gordon
Robin Greenwald
WEITZ & LUXENBERG, P.C.
180 Maiden Lane, 17th Floor
New York, New York 10038-4925
Telephone: (212) 558-5500
Facsimile: (212) 558-5506

Attorneys for Plaintiffs

SO ORDERED:

THE HONORABLE JUDGE SCHEINDLIN
United States District Judge

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April 2009, I filed the foregoing

**NOTICE AND ORDER OF RULE 41(a)(2)
DISMISSAL OF DEFENDANT PETRON, INC.**

electronically through the CM/ECF system of this Court, which causes the parties or counsel to be served by electronic means. In addition, the above document(s) was served via e-mail upon liaison counsel and via LexisNexis File & Service to all other counsel of record on the 22nd day of April, 2009. A copy was provided to the Clerk, Seth Ard, via email, and the original and one copy were served via Federal Express to the Clerk of the Court.


SHELLY SHETLER